



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,237	02/20/2004	Masakazu Kawamura	P/2617-24	1367

2352 7590 10/02/2006

OSTROLENK FABER GERB & SOFFEN
1180 AVENUE OF THE AMERICAS
NEW YORK, NY 100368403

EXAMINER

ADDY, ANTHONY S

ART UNIT PAPER NUMBER

2617

DATE MAILED: 10/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/783,237

Applicant(s)

KAWAMURA, MASAKAZU

Examiner

Anthony S. Addy

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

2. This action is in response to applicant's amendment filed on July 19, 2006.

Claims 1-22 are pending in the present application.

Response to Arguments

3. Applicant's arguments filed on July 19, 2006 have been fully considered but they are not persuasive.

With respect to applicant's argument that, "Kamieniecki nor Huang does not disclose, teach or suggest the use of remote control codes or remote-control data based on a remote control signal, or a remote-control signal based on a remote-control code, and that Kamieniecki merely disclose the use of characteristics of a received IR signal, not the use of codes or data based on a signal, or a signal based on a code (see page 3, third & fourth paragraphs of the response)," examiner respectfully disagrees and maintains that Kamieniecki teaches and meets the limitations as claimed. Examiner reiterates that Kamieniecki teaches IR receiver 262 is specifically enabled to receive a wide variety of **coded** IR transmissions and the IR blaster 255 is configured to broadcast an IR signal 259 that comprises set-up commands that are derived from commands stored in database 142 or memory 245, or **codes** transmitted by native

Art Unit: 2617

remote control 108 that are detected and stored (see p. 4 [0037-0038]). In addition, Huang teaches a controlling device includes a **command code** library comprising a plurality of **command codes**, grouped in command code sets, that may be transmitted from the controlling device by a wireless transmission means such as IR, in response to activation of a command key, to remotely control the operation of one or more consumer appliances (see col. 3, lines 24-45).

Furthermore, it is very well known in the art that an infrared signal is a pulse **coded** modulated IR carrier for causing an electronic device to carry out a desired operation, which in combination with the teachings of Kamieniecki and Huang meets the limitations "remote control codes or remote-control data based on a remote control signal, or a remote-control signal based on a remote-control code" since Kamieniecki teaches IR blaster 255 is configured to broadcast an IR signal 259 that comprises set-up commands that are downloaded from commands stored in database 142 or memory 245 (i.e. the set-up commands constitute a remote control code since it is very well known in the art that an infrared signal [set-up commands] is a pulse **coded** modulated IR carrier for causing an electronic device to carry out a desired operation), or **codes** transmitted by native remote control 108 that are detected and stored.

In view of the above, the 35 U.S.C. 103(a) rejections using, Kamieniecki and Huang, with regard to **claims 1-22** are proper and are maintained as repeated below. The rejections are made FINAL.

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Kamieniecki, U.S. Publication Number 2003/0066080 A1 (hereinafter Kamieniecki)** and further in view of **Huang et al., U.S. Patent Number 6,829,512 (hereinafter Huang)**.

Regarding claims 1, 5, 6, 7, 10, 11, 12, 16, 18, 19 and 22, Kamieniecki teaches a program, method and remote-control system including an automatic set-up device (see Fig. 1; automatic set-up device 100), a data server (see p. 3 [0028] and Fig. 1; [i.e. the Headend 135 reads on a data server]), and a network allowing said automatic set-up device and said data server to communicate with each other therethrough (see p. 3 [0026 & 0029-0030] and Fig. 1), wherein said automatic set-up device includes: (a) a memory storing a plurality of remote-control codes therein (see p. 4 [0038 & 0041] and Fig. 2; shows a memory 245); (b) a signal transmitter which transmits a first remote-control signal to a target device, based on a remote-control code selected among said remote-control codes for causing said target device to carry out a desired operation (see p. 4 [0038] and Fig. 2; shows an IR Blaster 255 for transmitting a signal to control electronic devices 107 [i.e. reads on a target device], based on a remote-control code selected among said remote-control codes from database 142 or memory 245); (c) a signal receiver which receives a second remote-control signal indicative of a certain operation, from a terminal which remote-controls said target device (see p. 4 [0037] and

Art Unit: 2617

Fig. 2; shows an IR receiver 262 which receives a signal from native remote controls 108 [i.e. reads on a terminal] for controlling electronic devices 107 [i.e. reads on a target device]); and (d) a controller (see p. 4 [0037] and Fig. 2; shows a controller 220) which (d1) determines a remote-control code, based on said second remote-control signal having been received by said signal receiver (see p. 4 [0037]), (d2) receives a set of remote-control codes from said data server (see p. 3 [0028 & 0034], p. 4 [0038] and p. 5 [0044]), and (d3) stores the thus received set of remote-control codes in said memory as said plurality of remote-control codes (see p. 3 [0028 & 0034], p. 4 [0038] and p. 5 [0044 & 0052]), and wherein said data server receives said second remote-control signal, and transmits said set of remote-control codes associated with said target device and selected in accordance with said second remote-control signal, to said automatic set-up device (see p. 2 [0028], p. 4 [0038] and p. 5 [0044-0045]).

Kamieniecki fails to explicitly teach the automatic set-up device is a mobile terminal.

In an analogous field of endeavor, Huang teaches a controlling device to remotely control the operation of one or more consumer appliances, and wherein an example of the controlling device includes personal digital assistants (PDAs), expanded function cellular telephones e.t.c (see col. 3, lines 24-40). According to Huang, a command code library and executable instructions are stored in the memory of the controlling device, and are transmitted from the controlling device to implement specific features on the consumer appliances by any suitable wired or wireless transmission means such as IR, radio frequency (RF), or the like (see col. 3, lines 40-45).

It would therefore have been obvious to one of ordinary skill in the art at the time of the invention to modify the automatic set-up device of Kamieniecki with the controlling device of Huang, in order to remotely control one or more consumer appliances, based on command codes stored in memory of the controlling device and transmitted from the controlling device to implement specific features on the consumer appliances by any suitable wired or wireless transmission means such as IR, radio frequency (RF), or the like as taught by Huang (see col. 3, lines 40-45), and in addition to the fact that the automatic set-up device of Kamieniecki can be made mobile for the advantage of making it portable, and consequently more attractive for sale.

Regarding claims 2, 8 and 15, Kamieniecki in view of Huang teaches all the limitations of claims 1, 7 and 12. Kamieniecki further teaches a remote-control system, wherein said set of remote-control codes include at least a category and a manufacturer of said target device (see p. 4 [0038] and p. 5 [0052]).

Regarding claim 4, Kamieniecki in view of Huang teaches all the limitations of claim 1. Kamieniecki further teaches a remote-control system, wherein said controller includes a signal producer which produces said first remote-control signal, based on said remote-control code having been read out of memory (see p. 4 [0038]).

Regarding claims 3 and 9, Kamieniecki in view of Huang teaches all the limitations of claims 1 and 7. Kamieniecki further teaches a remote-control system, wherein said controller includes a sampler which samples said second remote-control signal having being received by said signal receiver, and determines a remote-control code, based on the thus sampled second remote-control signal (see p. 4 [0037-0038]).

Regarding claim 13, Kamieniecki in view of Huang teaches all the limitations of claim 12. Kamieniecki further teaches a method, wherein a user actuates a predetermined key of a remote-controller used for remote-controlling said target device (see p. 3 [0031] and p. 5 [0044]).

Regarding claims 14 and 20, Kamieniecki in view of Huang teaches all the limitations of claims 12 and 19. Kamieniecki further teaches a program and method, further comprising the step of converting said remote-control signal into a digital data, which is transmitted from said mobile radio-signal terminal to said data server (see p. 4 [0037-0038] and p. 5 [0044-0045]).

Regarding claims 17 and 21, Kamieniecki in view of Huang teaches all the limitations of claims 12 and 19. Huang further teaches a program and method, further comprising the step of transmitting said remote-control data from said mobile radio-signal terminal to said target device for remote-controlling said target device (see col. 3, lines 24-30).

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

Art Unit: 2617

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony S. Addy whose telephone number is 571-272-7795. The examiner can normally be reached on Mon-Thur 8:00am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc M. Nguyen can be reached on 571-272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A.S.A


DUC M. NGUYEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600